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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2012-263

PETER WILLIAM DELFARO
PO Box 2337
Wilmington, CA 90748

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Registered Nurse License No. 492786

Respondent.

FINDINGS OF FACT

1. On or about October 27, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-263 against Peter William Delfaro ("Respondent") before the Board of Registered Nursing. (Accusation attached as **Exhibit A.**)

2. On or about August 31, 1993, the Board of Registered Nursing ("Board") issued Registered Nurse License No. 492786 to Respondent. The Registered Nurse License will expire on April 30, 2013, unless renewed.

3. On or about October 27, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-263, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,

1 and 11507.7) at Respondent's address of record which, pursuant to California Code of
2 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,
3 which was and is:

4 PO Box 2337
5 Wilmington, CA 90748.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
8 124. Respondent never filed a Notice of Defense.

9 5. On or about December 12, 2011 and December 20, 2012, the aforementioned
10 documents were returned by US Postal Service marked "Attempted- Not Known".

11 6. California Government Code section 11520 states, in pertinent part:

12 (a) If the respondent either fails to file a notice of defense or to appear at the
13 hearing, the agency may take action based upon the respondent's express admissions
14 or upon other evidence and affidavits may be used as evidence without any notice to
15 respondent.

16 7. Pursuant to its authority under Government Code section 11520, the Board finds
17 Respondent is in default. The Board will take action without further hearing and, based on the
18 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
19 taking official notice of all the investigatory reports, exhibits and statements contained therein on
20 file at the Board's offices regarding the allegations contained in Accusation No. 2012-263, finds
21 that the charges and allegations in Accusation No. 2012-263, are separately and severally, found
22 to be true and correct by clear and convincing evidence.

23 8. Taking official notice of its own internal records, pursuant to Business and
24 Professions Code ("Code") section 125.3, it is hereby determined that the reasonable costs for
25 Investigation and Enforcement is \$6,196.75 as of November 29, 2011.

26 DETERMINATION OF ISSUES

27 1. Based on the foregoing findings of fact, Respondent Peter William Delfaro has
28 subjected his Registered Nurse License No. 492786 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

1 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
2 Nurse License based upon the following violations alleged in the Accusation which are supported
3 by the evidence contained in the Default Decision Evidence Packet in this case.

4 a. Respondent is subject to disciplinary action under Business and Professions Code
5 (the Code) section 2761, subdivision (a), for unprofessional conduct because Respondent tested
6 positive for marijuana and is an alcoholic as well. The conduct is described in more particularity
7 in Accusation No. 2012-263, inclusive and herein incorporated by reference.

8 b. Respondent is subject to disciplinary action under section 2762, subdivisions (b) of
9 the Code on the grounds of drug use. The conduct is described in more particularity in
10 Accusation No. 2012-263, inclusive and herein incorporated by reference.

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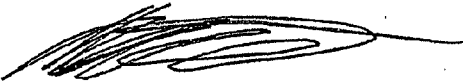
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3 **ORDER**

4 IT IS SO ORDERED that Registered Nurse License No. 492786, heretofore issued to
5 Respondent Peter William Delfaro, is revoked.

6 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
7 written motion requesting that the Decision be vacated and stating the grounds relied on within
8 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
9 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

10 This Decision shall become effective on August 10, 2012.

11 It is so ORDERED July 13, 2012

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14 **FOR THE BOARD OF REGISTERED NURSING**
15 **DEPARTMENT OF CONSUMER AFFAIRS**

16
17 51015372.DOC
18 DOJ Matter ID:LA2011601501

19 Attachment:
20 Exhibit A: Accusation
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Exhibit A

Accusation

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3 GLORIA A. BARRIOS
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6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012 - 263**

11 **PETER WILLIAM DELFARO**

A C C U S A T I O N

12 **PO BOX 2337**
13 **Wilmington, California 90748**

14 **Registered Nurse License No. 492786**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about August 31, 1993, the Board issued Registered Nurse License No. 492786
24 to Peter William Delfaro ("Respondent"). The registered nurse license was in full force and
25 effect at all times relevant to the charges brought herein and will expire on April 30, 2013, unless
26 renewed.

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1 **DRUGS**

2 9. **Marijuana** is a Schedule I controlled substance pursuant to Health and Safety Code
3 section 11054 (d)(13) and a dangerous drug pursuant to Business and Professions Code section
4 4022.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Drug Abuse)**

7 10. Respondent is subject to discipline under Code section 2762, subdivision (b) on the
8 grounds of drug abuse, in that in or about November 10, 2009, Respondent, a registered nurse in
9 the Emergency Room in Providence Little Company of Mary Medical Center San Pedro (LCM),
10 Respondent tested positive for the substance, marijuana. Respondent admitted to having a
11 problem with alcohol as well.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct)**

14 11. Respondent is subject to discipline under Code section 2761, subdivision (a), on the
15 grounds of unprofessional conduct, in that on or about November 10, 2009, while on duty as a
16 registered nurse at LCM, Respondent committed acts constituting unprofessional conduct, as
17 more particularly set forth in paragraph 10 above.

18 **DISCIPLINARY CONSIDERATION**

19 12. Respondent self-admitted into the Board's Diversion Program in early 2010. He
20 withdrew from the program on or about July 19, 2011..

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse License No. 492786, issued to Peter
25 William Delfaro;

26 2. Ordering Peter William Delfaro pay the Board of Registered Nursing the reasonable
27 costs of the investigation and enforcement of this case, pursuant to Business and Professions
28 Code section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: October 27, 2011 Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN,
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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